



NEVADA COUNTY AIRPORT LAND USE COMMISSION

4

File: 40.1.3

MEMORANDUM

TO: The Nevada County Airport Land Use Commission

FROM: Daniel B. Landon, Executive Director *Daniel B. Landon*

SUBJECT: **PUBLIC HEARING:** Approval of the Negative Declaration and Adoption of the Nevada County Airport Land Use Compatibility Plan

DATE: September 9, 2011

ACTION REQUESTED: Staff requests that the Nevada County Airport Land Use Commission (NCALUC) adopt Resolution 11-01 (1) Approving the Negative Declaration with the finding that the draft Nevada County Airport Land Use Compatibility Plan ("Compatibility Plan" or "NCALUCP") could not have a significant effect on the environment as it will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment; and (2) Adopting the draft Compatibility Plan dated July 6, 2011, with the modifications noted in Addendum #1 dated September 8, 2011, with the finding that the Compatibility Plan provides for the orderly growth of the Nevada County Airport and the area surrounding the airport within the jurisdiction of the Commission, and safeguards the general welfare of the inhabitants within the vicinity of the airport and the public in general.

BACKGROUND: The Nevada County Transportation Commission (NCTC) serves as the NCALUC for the Nevada County Airport, having taken over this function in early 2010 from the Foothill ALUC. California's State Aeronautics Act (Public Utilities Code, Chapter 4, Article 3.5) (the "Act") identifies the role and responsibilities of the ALUCs in land use planning. The Act's ALUC requirements are intended to ensure that proposed land uses near public-use airports are compatible with airport uses in terms of safety, noise, and air space.

One of the ALUC's primary functions is to develop and adopt a plan that identifies zones for safety, noise contours, and height restrictions, along with associated compatible land uses, for each public-use airport. These plans are referred to as Airport Land Use Compatibility Plans ("ALUCP's," formerly called Comprehensive Land Use Plans or "CLUPS").

In 1994, the Act was amended to provide that, in formulating such a plan, ALUCs "shall be guided by information . . . referred to as the Airport Land Use Planning Handbook ("Handbook") published by the Division of Aeronautics of the Department of Transportation." (Public Utilities Code §21674.7(a).) The Handbook includes suggested compatibility criteria and guidance in the areas of noise, overflight, safety, and airspace protection. The Handbook states that ALUC's are encouraged to review and, where appropriate, update their compatibility plans every five years and that "publication of this Handbook is a good justification for doing so." (Handbook, Summary-3.) The existing compatibility plan for the Nevada County Airport has not been updated since 1987. NCALUC began work to update the Compatibility Plan soon after taking over the ALUC function in 2010.

ALUCPs are not plans for airport development. Rather, state law requires future land use development near airports to be consistent with compatibility criteria included in an ALUCP. Once an ALUCP is in place, it triggers a requirement for the local jurisdictions to either make their General Plans and any applicable specific plans consistent with the ALUCP or take the series of steps listed in the Public Utilities Code Section 21676 to overrule the ALUC. Also, once an ALUCP is in place, each local jurisdiction submits affected land use development applications to the ALUC for review and a response regarding compatibility with the ALUCP. Again, the local jurisdiction may overrule an ALUC's findings of incompatibility, if the jurisdiction makes specific findings that the proposed local action is consistent with the purposes of the Act (see further details below).

History of the ALUCP Process: In November 2010, NCTC retained Mead & Hunt, Inc. to prepare the update of the ALUCP. In January 2011, Mead & Hunt, Inc. met with the Project Advisory Committee made up of representatives from the Grass Valley Planning Department, Nevada County Airport, Nevada County Planning Department, and the Nevada City Planning Department. In April 2011, the Project Advisory Committee reviewed policies proposed for inclusion in the draft document, and in June 2011 a draft Compatibility Plan for public review was completed. On July 4th the public review period started for the draft Compatibility Plan and the draft Negative Declaration, on July 19th a public workshop was held, and on July 20th there was a review of the draft Plan and Negative Declaration by the NCALUC. On August 6th the public review period ended with comments having been received from the City of Grass Valley and from Terry Lowell, Chair of the Nevada County Airport Commission. On September 1st comments were received from the Caltrans Division of Aeronautics, and on September 8th Mead & Hunt, Inc. provided the Response to Comments and Addendum #1 included in this agenda packet.

This draft Compatibility Plan update for the Nevada County Airport will add additional controls on future land use development around the airport. The draft Plan does not require any changes to "existing development" and the draft environmental document is a Negative Declaration, pursuant to the California Environmental Quality Act. Guidance in the Handbook states that "existing development" includes completed development and also situations where a project proponent has "vested rights" to develop, such as a development agreement or a building permit. (Handbook, pp. 3-17 to 3-18.)

On August 30th we received the attached letter from Dan Holler, City Administrator for the City of Grass Valley, requesting that the Nevada County Airport Land Use Commission consider one of the following actions:

- 1) Continue any action on the draft NCALUCP to a meeting in November.
- 2) Include a specific provision that recognizes the Loma Rica Ranch Specific Plan as an "Existing Land Use".
- 3) Approve the draft NCALUCP with an effective date set in November to allow for additional comments prior to final implementation with any significant comments to come back to the commission.

NCALUC staff reviewed Mr. Holler's letter with the consultants preparing the NCALUCP and with Nancy Miller, our legal counsel. In the letter, Mr. Holler acknowledges that the proposed NCALUCP includes new safety zones that will have a significant effect on a portion of the Loma Rica Ranch Specific Plan. He notes that the City is in the process of entering into a Development Agreement with

the land owner and anticipates taking initial action on the Development Agreement in September. In concert with those actions, the City requests that the NCALUC consider one of the three actions listed above. It appears that the intent of the choice of the three requested actions is to allow the City to complete a discretionary action which would then place the Loma Rica Ranch Specific Plan in the category of being an "existing land use". The second requested action would have the NCALUC recognize the Loma Rica Ranch Specific Plan as an "existing land use". In response to that request, NCALUC staff reviewed the definitions contained in the draft NCALUCP, and noted that Policy 1.2.12 defines "existing land use" as follows:

"A land use that either physically exists or for which certain local government commitments to the proposal have been obtained; that is, no further discretionary approvals are necessary:

- (a) Local government commitment to a proposal can usually be considered firm once one or more of the following have occurred:
 - (1) A tentative parcel or subdivision map has been approved and not expired;
 - (2) A vesting tentative parcel or subdivision map has been approved;
 - (3) A development agreement has been approved and remains in effect;
 - (4) A final subdivision map has been recorded;
 - (5) A use permit or other discretionary entitlement has been approved and not yet expired; or
 - (6) A valid building permit has been issued."

However, it is NCALUC staff's understanding that none of the six actions listed above have been taken at this point in time, and the project does not meet the criteria contained in the definition.

The first and third requests from Grass Valley ask the NCALUC to delay adoption or implementation of the NCALUCP to allow the City time to complete the Development Agreement, thus allowing the Loma Rica Ranch proposal to become an "existing land use".

If the central issue of this matter was something that could be mitigated relatively easily, such as requiring additional insulation to attenuate increased noise, NCALUC staff could support one of these requests. However, the crux of the issue is allowing increased residential density near the end of the runway and within the traffic pattern at a level that is not consistent with the safety guidance provided by the State.

California Public Utilities Code Section 21670 is the statute which establishes airport land use planning, and states in part, "it is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses." NCALUC staff, legal counsel, and the consultants preparing the NCALUCP do not believe that holding adoption or implementation of the NCALUCP in abeyance would meet the test of minimizing exposure to safety risks. The safety zones were developed using data identifying where the risk of aircraft accidents is a concern and define appropriate land use measures to address those risks.

The geography of risk was determined by runway configuration, approach and departure procedures, and other factors that determine where aircraft fly and where accidents occur. The California Airport Land Use Planning Handbook states, "Except where features on the ground influence where aircraft actually fly – high terrain or a noise abatement route, for instance – safety zones should be defined independent of existing and future land uses and other geographic features. At most, these features should be considered only in fine tuning of the boundaries".

In developing the safety zones for the Nevada County Airport, the predominance of aircraft operations on the south side of the runway were taken into account. That is why Zone C on the north side of the airport is confined to two trapezoidal areas, and on the south side of the airport, Zone C has two larger triangular areas. The configuration of the safety zones proposed in the NCALUCP is consistent with operations at the Nevada County Airport and guidance found in the California Airport Land Use Planning Handbook. NCALUC staff, our legal counsel, and the consultants are not aware of any data that would provide a basis for further modification of the safety zones in the NCALUCP, and therefore recommend adoption of the zones as shown.

If the City of Grass Valley desires to proceed with implementation of the Loma Rica Ranch Specific Plan in spite of any inconsistencies with the NCALUCP, the City must follow the "override" procedure set forth in the Act. In order to override the ALUC, the local agency is required to make specific findings that the proposed local action is consistent with the purposes of Article 3.5 of the California Public Utilities Code Section 21670, et seq., including: providing for the orderly development and expansion of the airport; preventing the creation of new noise or safety problems; and minimizing the public's exposure to excessive noise and safety hazards. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. (Handbook, pp. 5-15 to 5-19.)

If a local agency overrides the NCALUC, the agency owning and operating the airport, in this case Nevada County, "shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to override the NCALUC's action or recommendation" (Public Utilities Code Sections 21678 and, with slightly different wording, 21675.1(f)).

After review of the comments provided during the public review period, Caltrans Division of Aeronautics comments provided on September 1st, and the August 30th letter from the City of Grass Valley, the recommendation from the NCALUC staff, legal counsel, and the consultant team from Mead & Hunt, Inc. is that the NCALUC adopt the attached Resolution 11-01.

attachments



A CENTENNIAL CITY

GRASS VALLEY CITY COUNCIL
125 East Main St., Grass Valley, CA 95945

Daniel C. Holler, City Administrator

Council Members

Jan Arbuckle, Mayor
Dan Miller, Vice Mayor
Lisa Swarthout
Yolanda Cookson
Jason Fouyer

August 29, 2011

Dan Landon:, Executive Director
Nevada County Transportation Commission
Serving as Nevada County Airport Land Use Commission
101 Providence Mine Rd, Suite 102
Nevada City, CA 95959

Dear Mr. Landon:

The City appreciates your and the consultants efforts to address issues raised by the City on the Draft Nevada County Airport Land Use Compatibility Plan (NCALUCP). We acknowledge that you have worked cooperatively with the City to address the majority of our concerns. However, the City still has one significant concern with the plan's impact to the Loma Rica Ranch Specific Plan. As you know, the City spent over 10 years considering a myriad of land use proposals for the Loma Rica Ranch site in the creation of a Specific Plan. In response to issues raised by the City and the community, the applicant prepared several revisions to the Specific Plan prior to its final approval. The process required a significant amount of time and cost to the City and applicant. It is important to note that each of draft plans considered, and was consistent with, the 1987 NCALUP. The City Council approved the Specific Plan that was consistent with the 1987 NCALUP, which is currently still in effect.

The City understands there are new guidelines in place to review the airport safety zones; however, the proposed NCALUCP proposes a new safety zone that in effect nullifies years of planning and community efforts to create an acceptable specific plan and land use mix. While steps have been taken to reduce the impacts on much of the development, the proposed plan still has a significant impact on a portion of the project that may result in a significant change to the total project. It is our goal to work with the Commission to allow for the approved specific plan to remain intact. To this end, the City is in the process of entering into a Development Agreement with the land owner to protect the land use entitlements approved by the City. The City anticipates taking the initial action on the Development Agreement in September. Therefore, the City respectfully requests the Nevada County Airport Land Use Commission consider one of the following:

1. Continue any action on the draft NCALUCP to a meeting in November. The commission may wish to receive public comment on the plan in the interim as it does represent a significant change in the Airport Land Use Plan; or

2. Include a specific provision that recognizes the Loma Rica Ranch Specific Plan as an "Existing Land Use". This is due to the fact that the time, money and planning efforts over the past 10 years have always considered the 1987 NCALUCP and that each revision to the plans took into account the safety zones that were in place; or

3. Approve the draft NCALUCP with an effective date set in November to allow for additional comments prior to final implementation with any significant comments to come back to the commission.

Our preference is option 1, which would allow the City and Developer time to complete the Development Agreement and provide a broader public notice of the proposed NCALUCP.

Thank you in advance for your consideration and understanding of the City's request.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel C. Holler". The signature is fluid and cursive, with the first name being the most prominent.

Daniel C. Holler
City Administrator

CC: City Council
Tom Last, Planning Director

Draft Nevada County Airport Land Use Compatibility Plan

Responses to Comments

September 8, 2011

Comment from	#	Comment	Discussion	Response	Done
Last	1	Page 2-6 -Section 1.4.2 discusses land use actions "potentially subject" to NCALUC review. Section b states those projects under "voluntary review" that NCALUC no longer has authority. However, Section b1 then goes on to state that NCALUC requests local agencies submit major land use actions for review. Section 1.4.3 then refers back to Section 1.4.2 and states "voluntary review is to be conducted". This is clearly mandatory not voluntary. These sections are unclear and create a confusing message that is open to unknown interpretation. It implies there is no authority, but then implies there is authority.	<p>Policies 1.4.1 and 1.4.2 describe the three circumstances under which NCALUC review of certain land use actions would be conducted. They are:</p> <ol style="list-style-type: none"> 1) Mandatory Review—In accordance with Public Utility Code Section 21676(b), adoption or approval of a general plan, specific plan, zoning ordinance or building regulation affecting properties within the airport influence area always require review by the NCALUC. 2) Interim Review—Until such time as the NCALUC finds a local agency's general plan consistent with the ALUCP or the local agency has overruled the NCALUC's determination of inconsistency, state law allows the NCALUC to specify the types of projects that require review by the NCALUC. These projects, referred to as "major land use actions," are specified in Policy 1.4.3. 3) Voluntary Review—Once the local agency has obtained a consistency determination from the NCALUC or has overruled the NCALUC's determination, the local agency is requested to continue to forward the major land use actions listed in Policy 1.4.3 to the NCALUC on a voluntary basis. 	Policy 1.4.3 to be revised to clarify the circumstances under which NCALUC review of major land use actions is either required (1.4.2(a)) or voluntary (1.4.2(b)).	✓
Last	2	Page 2-8 – The City still has concerns with the list on this page. Specifically, we would like to further discuss items 4, 5, and 6.	On August 22, 2011, the NCALUC Executive Director met with Mr. Last to discuss the City of Grass Valley's comments regarding the Draft <i>Compatibility Plan</i> . At this meeting, Mr. Last indicated that the proposed change to Policy 1.4.3 described above would address his concerns regarding paragraphs 4, 5 and 6 of Policy 1.4.3(a).	No change required.	✓
Last	3	Pages 2-11 and 2-13 – The City needs to fully understand the rationale and need for the proposed review response times and compare those with the City's typical processing times. The proposed response times appear to be too long and may create unnecessary delays and costs for processing applications. It would be useful to meet and review the City's typical processes with ALUC staff and develop review times that can meet the needs of both agencies.	NCALUC review periods for general plans, specific plans, zoning ordinances and building regulations are established by state law. For reviews of the major land use actions listed in Policy 1.4.3, NCALUC policy (Policy 2.3.2) delegates the review and consistency determinations to the NCALUC Executive Director. As stated in Policy 2.3.5(a)(1), reviews by the Executive Director must be completed within 30 days of when a complete application is	Policy 2.3.5(b) to be revised to clarify that project reviews by the NCALUC Executive Director would need to be completed within	✓

Mead & Hunt

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Comment from	#	Comment	Discussion	Response	Done
Last	3 (con't)		submitted. The purpose of this policy is to streamline reviews of major land use actions when they are submitted for review on a mandatory basis as required by Policy 1.4.2(a). When a major land use action is submitted on a voluntary basis (see Policy 1.4.2(b)), the Executive Director would need to complete his/her review within the timeframe specified by the local agency.	the timeframe specified by the local agency.	
Last	4	<p>Page 2-27 – The City still has concerns with the proposed noise levels in the draft plan. The City strongly believes ALUC should use the 45 dB CNEL to maintain consistency with the City and County General Plans. As noted previously, unless ALUC staff can demonstrate that standard construction practices and building materials create a 40 dB, the City strongly opposes this standard. The 45 dB is the standard noise mitigation used throughout the state and the City does not believe it is prudent to have different standards for this plan. The proposed standard makes it more difficult to monitor, and it creates additional bureaucratic steps to an already cumbersome process. Finally, if this standard is adopted the City believes this will necessitate an amendment to the City General Plan to ensure consistency with the LUCP.</p>	<p>The California Noise Insulation Standards¹ establishes minimum noise insulation performance standards to protect persons within new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings from the effects of excessive noise, including but not limited to hearing loss or impairment and persistent interference with speech and sleep. The law indicates that the interior community noise equivalent levels (CNEL), with windows closed, shall not exceed an annual CNEL of 45 dB in any habitable room. To demonstrate compliance with this standard, an acoustical analysis must be done for any residential structure proposed to be located where the annual CNEL exceeds 60 dB.</p> <p>Because of the quiet character of the Nevada County Airport environs and resultant intrusiveness of even moderate outdoor noise sources, the proposed <i>Compatibility Plan</i> reduces the interior noise limit standard to CNEL 40 dB and extends it to single-family dwellings and other noise-sensitive uses (e.g., family day care homes, congregate care facilities). Although this more restrictive standard has been adopted by other ALUCs in California, it is a progressive concept that has not been readily accepted by some local agencies.</p> <p>The proposed interior noise level criterion of CNEL 40 dB would not be the only factor triggering a need for the City to update its general plan. Once the ALUCP is adopted, the City's general plan would need to</p>	<p>Policy 5.1.5(a) to be revised to indicate that the interior noise limit for Compatibility Zone B1 and B2 is CNEL 45 dB.</p>	✓

¹ California Administrative Code, Title 25, Chapter 1, Subchapter 1, Article 4, Section 1092, Noise Insulation Standards; adopted February 22, 1974.

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Comment from	#	Comment	Discussion	Response	Done
Last	4 (con't)		reference the new compatibility zones, criteria, review procedures and ALUCP by name and date.		
Lowell	5	Paragraph (3) of Appendix G which deals with trimming trees gives the county the right to enter and trim trees at its expense. It does not say the property owner shall trim trees to not encroach into restricted airspace (whatever the height). Since the County requires folks at the east end to trim trees at their expense, should the County also require new property subject to an Avigation Easement to trim trees at their expense? I think we should. I think we should modify paragraph (3) to require the property owner to trim trees at their expense.	The proposed Compatibility Plan requires an avigation easement dedication as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. The sample avigation easement language provided in Table G2 is neutral as to who would bear the cost of removing obstructions or trimming vegetation. Policy 3.1.9, indicates that the avigation easement would be obtained as a condition for approval of a development. As such, it is reasonable for the property owner to assume the costs associated with maintaining the navigable airspace over their property clear of obstructions or to mark or light obstructions.	Table 2G to be revised to clarify that the costs associated with removing obstructions, trimming vegetation, or marking/lighting obstructions is the responsibility of the grantor of the easement.	✓
Tadcol	6	The Draft Nevada County Airport Land Use Compatibility Plan (ALUCP) was reviewed for its completeness of essential and optional elements, as listed in the 2002 California Airport Land Use Planning Handbook (Handbook). The ALUCP was also reviewed to determine if it meets what is required in the Aeronautics Act. Public Utilities Code (PUC) Section 21670(a)(2) states that, "it is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses." An ALUCP must meet these stated requirements in State law. The best measure for the Division to determine if this State law is being met is by use of the guidelines in the Handbook. The Division found the ALUCP to be complete and has all the essential elements according to Table 2A, titled Checklist of Compatibility Contents on pages 2-13 through 2-14 in the Handbook.	Acknowledged.	No change required.	✓

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Tacdol	7	The maps throughout the ALUCP are generally of poor scale and quality. All maps should be in color and have the following information: north arrow, scale, and labeling for major street and highway names. Ideally, all the maps throughout the ALUCP, should follow a consistent format and be printed on 11"x17" sized paper. Since an ALUCP is a document that ALUCs use for land use consistency determinations, accurate maps are an essential element of any ALUCP.	ALUCP maps are provided in requested format.	No change required.	✓
Tacdol	8	Chapter 1 – Introduction, page 1-1, second paragraph: Please explain in the document why the Nevada County Airport Land Use Commission (NCALUC) decided to define its airport influence area as, "1.3 miles from the airport's runway." PUC Section 21675.1(b) defines an airport influence area as land within two miles of the boundary of a public airport.	<p>PUC Section 21675.1(b) states that "If the commission has not designated an airport influence area for the airport land use compatibility plan, then 'vicinity' means land within two miles of the boundary of the airport."</p> <p>The airport influence area for Nevada County Airport to encompass the geographic extent of four types of compatibility concerns: exposure to aircraft noise, land use safety with respect to both people on the ground and the occupants of aircraft, protection of airport airspace from tall objects and certain other land use characteristics, and annoyance from aircraft overflights. The NCALUC is establishing the airport influence area for Nevada County Airport on the following compatibility factors:</p> <ol style="list-style-type: none"> 1. Future noise contours reflecting 60,000 annual aircraft operations; 2. Sample safety zones provided in the 2002 Handbook; 3. Federal Aviation Regulation (FAR) Part 77, Subpart B, imaginary airspace surfaces; and 4. Overflight concerns which are General aircraft traffic pattern. <p>The maximum extent of these features is 9,200 feet from the ends of the runway (1.7 miles) and 6,000 feet (1.1 miles) lateral of the runway. As the proposed airport influence area adequately addresses all four compatibility concerns, expansion of the airport influence area is not warranted.</p> <p>Note that the distance in miles noted in the</p>	Distance to be revised from "1.3" to "1.7" miles.	✓

Draft Nevada County Airport Land Use Compatibility Plan

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Tacdol	8 (con't)		<i>Compatibility Plan</i> is incorrect and that the typographical error will be fixed.		
Tacdol	9	Chapter 1 – Introduction, page 1-5, Nevada County Airport Plans: The Division has reviewed and supports the use of the February 2010 Airport Layout Plan included in the ALUCP to be used for updating an ALUCP for the Nevada County Airport. If there are any deficiencies in the information provided in the February 2010 Airport Layout Plan, the current Nevada County Airport Master Plan, adopted in 1981 and amended in 1992, will be taken into account in the preparation of this ALUCP.	The California Division of Aeronautics accepted the 2010 Airport Layout Plan as the basis of this <i>Compatibility Plan</i> on April 27, 2011.	No change required.	✓
Tacdol	10	Chapter 2 – Policies, page 2-8, paragraph 10: Currently, in the text stating, "All proposals for new development, including vegetation within Compatibility Zone A," the word "Plan" is in place of the word "Zone." Please modify text.	Typographical error to be corrected.	Policy 1.4.3(a)(10) to be revised.	✓
Tacdol	11	Chapter 2 – Policies, page 2-8 and throughout ALUCP: The term <i>Compatibility Zone</i> is used throughout the document, but the formatting is inconsistent. In some cases, the term is italicized and capitalized, while in other cases it is not. This can be confusing to the reader. The Division recommends using a consistent formatting for the term <i>Compatibility Zone</i> throughout the document.	Reference to a specific compatibility zone (e.g., <i>Compatibility Zone A</i>) is intended to be italicized and capitalized.	References to be revised throughout document, as appropriate.	✓
Tacdol	12	Chapter 2 – Policies, page 2-18, Section 3.1.5: If a development falls within two or more compatibility zones, the Division encourages the density and intensity of the more restricted zone to be transferred to the less restricted zone. However, we are concerned with this density and intensity shifting as they appear to be within the highest risk zones. The Division does not generally support density and intensity transfers within safety zones A, B1, and C due to the potential risk of near-airport aircraft accidents to people and property on the ground. The Division does not agree with the statement in the ALUCP that reads, "This transfer of development is permitted even if the resulting density or intensity in the less restrictive area would then exceed the limits which would	Policy 3.1.5 indicates that any parcel that is split by the compatibility zone boundaries as if it were multiple parcels divided at the compatibility zone boundary line. The criteria for each zone would be applied to the portion of the parcel lying within that zone. Applying the more restrictive set of criteria to the entire property would be overly restrictive and could unjustly displace development outside the airport influence area. As such, the ALUC will maintain its currently proposed policy (Policy 3.1.5). As indicated by the Division, Policy 3.1.5 would allow the density or intensity of the proposed development to be transferred from the more restrictive zone to a less restrictive zone (e.g., from Zone B1 to Zone C).	Policy 3.1.5 to be revised to indicate that the NCALUC shall continue to apply the single-acre limit in the transfer of future development from one zone to another.	✓

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Tacdol	12 (con't)	otherwise apply within that compatibility zone." Both the Handbook and the ALUCP have clearly defined density and intensity criteria defined within each zone. The Division recommends removing the last sentence in this section of the ALUCP, or adding language that would foster an NCALUC review of the development on a case-by-case basis to ensure that people and property are protected from the potential consequences of near-airport aircraft accidents.	The purpose of allowing this transfer is to move future development into the low-impact areas and to dedicate open areas in the high-impact zones. However, it is the intention of the NCALUC to continue to apply the single-acre limit on this type of development transfer. Therefore, Policy 3.1.5 will be modified accordingly. In accordance with Policy 1.4.3, Major Land Use Actions, NCALUC review of these types of development proposals would be conducted on a case-by-case basis.		
Tacdol	13	Chapter 2 – Policies, page 2-19, Policy 3.1.7: There is a reference to policy 4.2.3(a) in the ALUCP, but Policy 4.2.3(a) does not exist within the document. The Division recommends removing this reference.	The policy reference is incorrect and will be updated accordingly.	Policy 3.1.7 to be revised to reference Policy 5.2.5 instead of 4.2.3(a).	✓
Tacdol	14	Chapter 2 – Policies, page 2-19, Section 3.1.7 & Table 2A: While the "Prohibited Uses" in Table 22A have their own column, the discouraged uses are embedded under column "Other Development Conditions." The discouraged uses are not easily accessible, which can create confusion for the reader. The Division recommends revising the language in Section 3.1.7 to clearly direct the reader to the discouraged uses in Table 2A. In addition, the Division recommends updating/revising Table 2A to make the discouraged uses stand out from the other development conditions.	Correcting the policy reference in Policy 3.1.7 to Policy 5.2.5 will direct the reader to the land uses of special concern that should be "discouraged." Space in Table 2A is limited. Therefore, the preference is to highlight the list "prohibited uses." Additionally, "discouraged uses" are noted only for Zones D and E and, thus, do not warrant another column.	No change required.	✓
Tacdol	15	Chapter 2 – Policies, page 2-20, Table 2A, Safety Zone D: Safety Zone D is actually two distinct zones: Traffic Pattern Zone and Urban Overlay Zone. However, the Urban Overlay Zone D is embedded under column "Maximum Densities/Intensities." This gives the reader the impression that there is only one Safety Zone D, which can be misleading. The Division recommends separating Safety Zone D into two different zones, similar to Safety Zone B in the table.	The compatibility zones are based on aeronautical factors (e.g., Runway Clear Zone, Inner Approach Zone, Traffic Pattern Zone, etc.). The Urban Overlay Zone includes portions of the Traffic Pattern Zone encompassing the urban areas of the City of Grass Valley. Within this overlay zone, only the density and intensity criteria are relaxed; all other criteria for Zone D apply to the Urban Overlay Zone.	No change required.	✓
Tacdol	16	Chapter 2 – Policies, Map 2A – Compatibility Policy Map: Please explain in the document why the Safety Zone C boundary was greatly reduced north of the airport runway. Also, please explain in the document why the Safety Zone D boundary was reduced northwest of the airport runway. It	Zone C north of the runway is reduced to account for the fact that there is minimal traffic on the north side of the airport, as the primary traffic pattern is south of the airport. Zone D northeast of the airport is truncated to account for high terrain and modified	Revise Table 2B.	✓

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Tacdol	16 (con't)	is important to memorialize in the ALUCP, the rationale by which land use compatibility is structured and achieved, for future users.	traffic pattern. Table 2B, Compatibility Zone Delineation, will be modified to record the rationale for these zone modifications.		
Tacdol	17	Chapter 2 – Policies, page 2-23, Section 3.2.2(b): The Division recommends a different word choice for the word "proscribes" in this section.	Acknowledged.	Policy 3.2.2(b) to be revised to replace "proscribes" with "explicitly denies."	✓
Tacdol	18	Chapter 2 – Policies, page 2-24, Section 4.1.1(b): The ALUCP states, "However, normal growth in airport activity – that is, growth that is not induced by proposed new facilities or procedures – projected to occur over a more extended time period than is the basis for this <i>Compatibility Plan</i> shall not be considered an inconsistency even if larger noise contours result." The Division does not support what appears to read as a blanket consistency determination for future unidentified projects that have larger noise contours outside the term of this ALUCP. If new activity forecasts are available outside the current term of the ALUCP, an ALUCP amendment is highly recommended by the Division and allowable by PUC Section 21675(a). This concept, most likely, needs a rewrite after which we would like to review the edited text.	Acknowledged. Sentence to be struck from Policy 4.1.1(b).	Policy 4.1.1(b) to be revised.	✓

Draft Nevada County Airport Land Use Compatibility Plan

Addendum #1

This addendum contains the proposed revisions to the *Draft Nevada County Airport Land Use Compatibility Plan* dated July 6, 2011. Additions are shown underlined; deletions in ~~strikeout~~. Only substantive changes are identified below; if necessary, minor typographical corrections also may be made prior to printing the final document. After adoption of the *Nevada County Airport Land Use Compatibility Plan (ALUCP)* by the Nevada County Transportation Commission, acting in its capacity as the Airport Land Use Commission for the Nevada County Airport, all revisions will be incorporated into the ALUCP and a final document will be prepared.

Chapter 1, Introduction

Page 1-1, Second Paragraph, Second Sentence: Revise text as follows.

The influence area for the Nevada County Airport, as defined herein, extends ~~4.3~~ 1.7 miles from the airport's runway.

Chapter 2, Policies

Page 2-6, Policy 1.4.1, Actions Which Always Require NCALUC Review: Revise text as follows.

- 1.4.1 Land Use Actions Which Always Require NCALUC Review: As required by state law, the following types of actions shall be referred to the NCALUC for determination of consistency with the NCALUC's plan prior to their approval by the local agency:
- (a) The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (PUC Section 21676(b)).
 - (b) The adoption or approval of a zoning ordinance or building regulation that (1) affects property within an airport influence area, and (2) involves the types of airport impact concerns listed in Policy 1.3.2 (PUC Section 21676(b)).
 - ~~(c) Adoption or modification of the master plan for an existing public use airport (PUC Section 21676(c)).~~
 - ~~(d) Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the State of California PUC Section 21664.5.~~
 - ~~(e) Any proposal for a new airport or heliport whether for public use or private use (PUC Section 21661.5) if the facility requires a state airport permit.~~

Page 2-7, Policy 1.4.3, Major Land Use Actions: Revise text as follows.

- 1.4.3 Major Land Use Actions: The scope or character of certain *major land use actions*, as listed below, is such that their compatibility with airport activity is a potential concern. Even though these actions may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full airport compatibility evaluation at the time that the general plan or specific plan is reviewed. To enable better assessment of compliance with the compatibility criteria set forth herein, NCALUC review of these actions may be warranted. Policy 1.4.2 above indicates the circumstances under which NCALUC ~~interim or voluntary~~ review of these major land use actions is ~~to be conducted~~ either required (1.4.2(a)) or voluntary (1.4.2(b)).

Page 2-8, Policy 1.4.3(a)(10), Major Land Use Actions: Revise text as follows.

- (10) All proposals for new development, including vegetation, within *Compatibility Plan Zone A*.

Page 2-9, Policy 1.4.4, Airport Planning and Development Actions Subject to NCALUC Review: Revise text as follows.

- 1.4.4 Airport Planning and Development Actions Which Always Require ~~Subject to NCALUC Review~~: Under state law, planning and development actions involving airport property are subject to NCALUC review as follows:

Page 2-10, Section 2.2, Review Process for Community Land Use Plans and Ordinances: Revise text as follows.

2.2. Mandatory Review Process for Community Land Use Plans and Ordinances

Page 2-13, Policy 2.3.2, NCALUC Executive Director's Choices: Revise text as follows.

- 2.3.2 Review by NCALUC Executive Director's Choices: The NCALUC delegates the review and consistency determination of ~~When reviewing major land use actions in accordance with~~ under Policy 0; to the NCALUC Executive Director. ~~has two choices of action:~~

- (a) In reviewing these actions, the NCALUC Executive Director shall consult with the airport manager.
- (b) The NCALUC Executive Director has two choices of action with regard to the consistency determination of actions reviewed:
 - (1) Find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in this plan. Upon said finding, the Executive Director is authorized to approve such projects on behalf of the NCALUC. The NCALUC Executive Director shall provide to the NCALUC at its next regular meeting a list of all projects reviewed and the determination made.
 - (2) Find that the proposed project may be inconsistent with the *Compatibility Plan*. The Executive Director shall forward any such project to the NCALUC for a consistency determination.

Page 2-14, Policy 2.3.5(b), Response Time for Major Land Use Actions: Revise text as follows.

- (b) When a major land use action is submitted on ~~an optional~~ a voluntary basis in accordance with Policy 1.4.2(b), review by the NCALUC Executive Director and/or the NCALUC should be completed within the timeframe specified by the local agency ~~in a timely manner~~ enabling the comments to be considered by decision-making bodies of the submitting agency.

Page 2-18, Policy 3.1.4(b), Mixed-Use Developments: Revise text as follows.

- (b) Development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site also must meet the criteria for each land use category to be included in the development. Additionally, for the purposes of compliance with usage intensity criteria in Table 2A, the normal occupancy of the residential component shall be added to that of the nonresidential portion and the total occupancy shall be evaluated with respect to the nonresidential usage intensity criteria cited in Table 2A. The NCALUC may make exceptions to this provision if the residential and nonresidential components of the development would clearly not be simultaneously occupied to their maximum intensities.

Page 2-19, Policy 3.1.5, Parcels Lying within Two or More Compatibility Zones: Revise text as follows.

- 3.1.5 *Parcels Lying within Two or More Compatibility Zones*: For the purposes of evaluating consistency with the compatibility criteria set forth herein, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. However, the density or intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion. This transfer of development is permitted even if the resulting density or intensity in the less restricted area would then exceed the average-acre limits which would otherwise apply within that compatibility zone. The single-acre limits still apply and must not be exceeded.

Page 2-19, Policy 3.1.7, Discouraged Uses: Revise text as follows.

- 3.1.7. Discouraged Uses: Uses listed under Policy 4.2.3(a) 5.2.5 and in Table 2A as "discouraged" should generally not be permitted unless no feasible alternative is available. Expansion of a discouraged use is generally regarded as acceptable to the extent that previous acquisition and partial development of the site for that specific use make alternatives for expansion infeasible. Usage intensity limits and/or other criteria applicable to the site shall remain in effect.

Page 2-20, Table 2A, Basic Compatibility Criteria: Revise text as follows.

Zone D, Other Development Conditions


- > Children's schools, hospitals, nursing homes discouraged ⁴⁴¹³

Zone E, Other Development Conditions

- > Major spectator-oriented sports stadiums, amphitheaters, concert halls discouraged beneath principal flight tracks ⁴⁵¹⁴

Height Review Overlay Zone

Page 2-22, Table 2B, Compatibility Zone Delineation: Revise text as follows.

C Inner Turning Zone and Extended Approach Zone	Noise Impact: Moderate <ul style="list-style-type: none"> > May exceed CNEL 55 dB > <u>Primary aircraft traffic pattern south of airport</u> > Aircraft typically at or below 1,000-foot traffic pattern altitude; individual events occasionally loud enough to intrude upon indoor activities 	Risk Level: Moderate <ul style="list-style-type: none"> > Includes areas where aircraft turn from base to final approach legs of standard traffic pattern and descend from traffic pattern altitude > Zone also includes areas where departing aircraft normally complete transition from takeoff power and flap settings to climb mode and have begun to turn to their en route heading > <u>Minimal aircraft traffic north of airport except by fire attack aircraft during fire season</u> > Some 10% to 15% of off-runway general aviation accidents near airports occur here > Object heights restricted to as little as 35 feet
D Traffic Pattern Zone	Noise Impact: Moderate <ul style="list-style-type: none"> > Noise more of a concern with respect to individual loud events than with cumulative noise contours > Portions of the 55-CNEL contour extend into this zone > <u>Traffic pattern north of airport is modified to account for high terrain northeast of airport</u> > Urban Overlay Zone D* reflects relatively high ambient noise level of urbanized area 	Risk Level: Low <ul style="list-style-type: none"> > About 20% to 30% of general aviation accidents take place in this zone, but the large area encompassed means a low likelihood of accident occurrence in any given location > Risk concern is primarily with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area) > Airspace concern is generally with object heights > 100 feet above runway elevation except to northeast <u>where terrain is higher</u>
 Height Review Overlay <u>Zone</u>	Noise Impact: Low <ul style="list-style-type: none"> > Individual noise events slightly louder because high terrain reduces altitude of overflights 	Risk Level: Moderate <ul style="list-style-type: none"> > Modest risk because high terrain constitutes airspace obstruction > Key concern is tall single objects (e.g., antennas)

Page 2-24, Policy 3.2.2(b), Elimination of Conflicts: Revise text as follows.

- (b) A general plan cannot be found inconsistent with the *Compatibility Plan* because of land use designations that reflect existing land uses even if those designations conflict with the compatibility criteria of this *Compatibility Plan*. General plan land use designations that merely reflect the existing uses are exempt from requirements for general plan consistency with the *Compatibility Plan*. This exemption derives from state law which ~~prescribes~~ explicitly denies NCALUC authority over existing land uses. However, proposed redevelopment or other changes to existing land uses are not exempt from compliance with compatibility policies and are subject to NCALUC review in accordance with Policy 1.4.2(c). To ensure that nonconforming uses do not

become more nonconforming, general plans therefore must include policies setting limitations on expansion and reconstruction of nonconforming uses located within an airport influence area consistent with Policies 5.5.3 and 5.5.2.

Page 2-25, Policy 4.1.1, *Substance of Review*: *Revise text as follows.*

- 4.1.1. Substance of Review: When reviewing a new master plan or development plan for the Nevada County Airport, the NCALUC shall determine whether activity forecasts or proposed facility development identified in the plan differ from the forecasts and development assumed for that airport in this *Compatibility Plan*. Attention should specifically focus on:
- (a) Proposals for facilities or procedures not assumed herein, specifically:
 - (1) Construction of a new runway or helicopter takeoff and landing area.
 - (2) Change in the length, width, or landing threshold location of an existing runway.
 - (3) Establishment of an instrument approach procedure that changes the approach capabilities at a particular runway end.
 - (4) Modification of the flight tracks associated with existing visual or instrument operations procedures.
 - (b) Proposed changes in the role or character of use of the airport.
 - (c) New activity forecasts that are: (1) significantly higher than those used in developing the noise contour map in Chapter 3; or (2) assume a higher proportion of larger or noisier aircraft. ~~However, normal growth in airport activity—that is, growth that is not induced by proposed new facilities or procedures—projected to occur over a more extended time period than is the basis for this Compatibility Plan shall not be considered an inconsistency even if larger noise contours result.~~

Page 2-27, Policy 5.1.5 (a), *Maximum Acceptable Interior Noise Levels*: *Revise text as follows.*

- (a) To ensure that the aircraft-related interior noise level is no greater than CNEL 40 ~~45~~ dB, a noise level reduction (NLR) of 25 dB shall be required in *Compatibility Zones B1 and B2* for:
 - (1) Any habitable room of single- or multi-family residences;
 - (2) Long-term lodging;
 - (3) Family day care homes (≤ 14 children); and
 - (4) Nursing homes or other congregate care facilities.

Page 2-31, Policy 5.2.7, *Calculating Nonresidential Intensity*: *Revise text as follows.*

- 5.2.7 *Calculating Nonresidential Intensity*: The total number of people permitted on a project site at any time, except for rare special events, must not exceed the indicated average and single-acre usage intensity in Table 2A. Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. The usage intensity criteria of this *Compatibility Plan* are based upon a normal peak-period occupancy, not on the highest attainable occupancy. The project site can include multiple parcels. Methods for determining the concentration of people for various land uses are provided in Appendix D and briefly discussed below.

Page 2-35, Policy 5.3.4(b), *NCALUC Review of Height of Proposed Objects*: *Revise text as follows.*

- (b) Within Compatibility Zones B1 and C west of the Airport and Zone B2 north and south of the Airport, NCALUC review is required for any proposed object having a height greater than 3,106 feet MSL (35 feet above the Runway 7 elevation of 3,071 feet MSL).

Page 2-38, Policy 5.4.5, NCALUC Policy Regarding Real Estate Transfer Disclosure: Revise text as follows.

- (a) The disclosure provisions of state law as described in Policy 5.4.4 are deemed mandatory for new residential development and shall continue in effect as a policy of this *Compatibility Plan* even if the state law is made less stringent or rescinded.
- (b) The disclosure language to be used shall be as indicated in state law.
- (c) Although not required by state law, the policy of this *Compatibility Plan* is that airport proximity disclosure should be provided as part of all real estate transactions (sale, lease, or rental) involving residential property anywhere within the an airport influence area.
- (d) Each land use jurisdiction affected by this *Compatibility Plan* should adopt a policy designating the airport influence area as the area wherein disclosure of airport influences is required in conjunction with the transfer of residential real estate. Such local agency policies also should be applied to lease or rental agreements for existing residential property.
- (e) Signs providing airport proximity notice should be prominently posted ~~in the appropriate county/city offices as well as~~ in the real estate sales office and/or other key locations at any new development within the an airport influence area and airport proximity information should be available in the appropriate county/city offices.
- (f) It is not the responsibility of either the NCALUC or local agencies to enforce real estate transfer disclosure with regard to the transfer of existing residences. Disclosure is a matter to be handled between private parties. The responsibility of the NCALUC and local agencies is merely to provide information as to the locations within which airport proximity disclosure is appropriate and the suitable disclosure language to be used (see Appendix G for sample language).

Chapter 3, background Data: Nevada County Airport and Environs

Page 3-6, Airport Environs, third paragraph: Revise text as follows.

Specific land uses within the airport environs are listed in Exhibit 3-7, which identifies existing and planned land uses and summarizes the status of local plans and policies ~~and~~ for the jurisdictions of Nevada County, Grass Valley, and Nevada City. Exhibit 3-8 displays land uses as designated in the Nevada County's General Plan (1995), Exhibit 3-9 shows assigned land uses in the Grass Valley 2020 General Plan, and Exhibit 3-10 shows the specific plan land uses for the City of Grass Valley. Note that land use data is not available in GIS format for Nevada City. An aerial photo of the airport environs along with the ~~composite safety compatibility~~ zones is provided in Exhibit 3-11.

Page 3-11, Exhibit 3-7, Airport Environs Information, Status of Community Plans, Grass Valley: Revise text as follows.

Grass Valley

- > 2020 General Plan adopted December 1999
- > 2020 General Plan map updated January 2007
- > Loma Rica Ranch Specific Plan adopted ~~April~~ May 2011

Exhibit 3-10 (map), Specific Plan Land Uses, City of Grass Valley: Revise text as follows.

Notes

1. ~~See Exhibit A1 for housing displacement results.~~

1. Basemap Source: Loma Rica Ranch Specific Plan Land Use designations (May 2011). Numbers 1 through 9 refer to Specific Plan areas and are not part of this *Compatibility Plan*.

Appendix A, State Laws Related to Airport Land Use Planning

Page A-1, Table of Contents: Revise date stamp as follows.

(as of January 2040 2011)

Page A-7, Aeronautics Law: Add sections as follows.

21670.5. [Deleted]

21670.6. Court and Mediation Proceedings

Any action brought in the superior court relating to this article may be subject to mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030) of Division I of Title 7 of the Government Code.

Page A-38, Civil Code, Division 2, Part 4: Revise title as follows.

Civil Code

Division 2, Part 4

Title 6—Common Interest Developments

Chapter 2—County Documents

Article 1—Creation

(excerpts)

Page A-41, Legislative History: Revised text as follows.

2003 Assembly Bill 332 (Mullin) Chapter 351, Statutes of 2003—Clarifies that school districts and community college districts are subject to compatibility plans. Requires local public agencies to notify ALUC and Division of Aeronautics at least 45 days prior to deciding to overrule the ALUC.

Adds that prior to granting building construction permits, local agencies shall be guided by the criteria established in the Airport Land Use Planning Handbook and any related federal aviation regulations to the extent that the criteria has been incorporated into their airport land use compatibility plan.

2007 Senate Bill 10 (Kehoe) Chapter 287, Statutes of 2007—The San Diego County Regional Airport Authority Reform Act of 2007. Restructures the airport authority established in 2001 by AB 93 (Wayne), with a set of goals related to governance, accountability, planning and operations at San Diego International Airport.

Appendix B, Federal Aviation Regulations Part 77

Page B-1, Objects Affecting Navigable Airspace: Revise title as follows.

~~Objects Affecting Navigable Airspace~~ Safe, Efficient Use, And Preservation of the Navigable Airspace

Page B-15, Figure B-2, FAR Part 77 Filing Process: Update as follows.

~~Figure B-2, FAR Part 77 Filing Process, FAA Form 7460-1~~ Figure B-2, FAR Part 77 Notification, FAA Form 7460-1

Page B-16, Figure B-3, FAR Part 77 Notification: Update as follows.

~~Figure B-3, FAR Part 77 Notification, FAA Form 7460-1~~ Figure B-3, Online Submittal of Form 7460-1: Notice of Proposed Construction or Alteration

Appendix G, Sample Implementation Documents

Page G-5, Table G2, Typical Avigation Easement, fifth paragraph: Revise title as follows.

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the County of Nevada, for the direct benefit of the real property constituting the Nevada County Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinabove described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted. If Grantor fails to comply with the foregoing obligations within ten (10) days after Grantee gives written notice of violation to Grantor by depositing said notice in the United States mail, Grantee may enter the above-described real property for the purposes described in subparagraphs (3) and/or (4), above, and charge Grantor for the cost thereof.

**RESOLUTION 11-01
OF THE
NEVADA COUNTY AIRPORT LAND USE COMMISSION**

A RESOLUTION ADOPTING THE NEVADA COUNTY AIRPORT LAND USE COMPATIBILITY PLAN AND APPROVING THE ASSOCIATED NEGATIVE DECLARATION

WHEREAS, the Nevada County Transportation Commission (NCTC), in its capacity as the Nevada County Airport Land Use Commission (NCALUC), has prepared the Nevada County Airport Land Use Compatibility Plan (NCALUCP) for the Nevada County Airport to replace the earlier plan - *Nevada County Airpark Comprehensive Land Use Plan* (June 1987); and

WHEREAS, the draft NCALUCP, including a revised airport influence area, has been prepared in accordance with the requirements of the California State Aeronautics Act (Public Utilities Code Sections 21670 et seq.), and the formulation of the NCALUCP has been guided by the California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, as required by state law (Public Utilities Code Section 21674.7); and

WHEREAS, Mead & Hunt, Inc., the consultant contracted to develop the NCALUCP, established a Project Advisory Committee made up of representatives from the planning departments of Grass Valley, Nevada City, and Nevada County, and the Manager of the Nevada County Airport, to receive input and address potential concerns from the community and the airport; and

WHEREAS, the Negative Declaration for the draft NCALUCP has been reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA; Public Resources Code 2100, et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 et seq.); and

WHEREAS, the draft NCALUCP, including the revised airport influence area, and the draft Negative Declaration were circulated to receive comments during the 30-day review period from July 6 to August 4, 2011; and

WHEREAS, on July 19, 2011, the NCALUC held a public workshop, and on September 21, 2011, the NCALUC held a public hearing to consider comments on the draft NCALUCP and the draft Negative Declaration; and

WHEREAS, the NCALUC has reviewed and considered written and public comments received on both the draft NCALUCP and draft Negative Declaration.

NOW THEREFORE BE IT RESOLVED, that the Nevada County Airport Land Use Commission hereby approves the Negative Declaration with the finding that the adoption of the Nevada County Airport Land Use Compatibility Plan could not have a significant effect on the environment as it will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

BE IT FURTHER RESOLVED, that the Nevada County Airport Land Use Commission approves the Nevada County Airport Land Use Compatibility Plan dated July 6, 2011, with the modifications noted in Addendum #1 dated September 8, 2011, and with the finding that the Compatibility Plan provides for the orderly growth of the Nevada County Airport and the area surrounding the airport within the jurisdiction of the Commission, and safeguards the general welfare of the inhabitants within the vicinity of the airport and the public in general.

PASSED AND ADOPTED by the Nevada County Airport Land Use Commission on September 21, 2011
by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Lawrence A. Jostes, Chairman
Nevada County Airport Land Use Commission

Attest:

Nancy D. Holman
Administrative Services Officer